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SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

SUMMARY RECORD OF THE 10th MEETING

Held at Headquarters, New York,
on Tuesday, 5 September 1978, at 10.30 a.m.

Chairman: Mr. CUEVAS CANCINO (Mexico)

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Organization of work

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The meeting was called to order at 11 a.m.

CONSIDERATION, PURSUANT TO PARAGRAPH 2 OF GENERAL ASSEMBLY RESOLUTION 32/150, OF PROPOSALS AND SUGGESTIONS SUBMITTED BY STATES (continued) (A/AC.193/L.3)

1. Mr. ROSENSTOCK (United States of America) said that the subject-matter with which the Committee was dealing lay at the core of the work of the United Nations. The central purpose of the United Nations had been and must continue to be to avoid another world war. Although there had not been a third world war there had been much violence, and States Members were bound by the Charter to seek to remedy that situation. In so doing, they must consider ways and means of enhancing the effectiveness of a norm the existence of which must be taken as a given.

2. No amount of misquotation or partial quotations from the Committee's mandate could narrow its freedom of choice, and, ultimately, the Assembly's freedom of choice, with respect to those ways and means. The Committee could choose to elaborate a treaty or, if that did not seem the most prudent course to follow, it might devote its efforts to such other recommendations as it deemed appropriate. It was not required to pursue any one means of enhancing the effectiveness of the prohibition of the threat or use of force. It was required to consider all reasonable approaches to that end and it should not focus too early on one approach to the exclusion of others.

3. His delegation believed that drafting a treaty was a very wrong way to go about the matter. The United Nations Charter, in particular Article 2, paragraph 4, already stated the norm with admirable clarity and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States confirmed both the clarity and the scope of that provision. If the provisions of a treaty on the non-use of force were identical to those of the Charter, that would be bad for many reasons: for one thing, the treaty might not have the same parties as the Charter, which could cause confusion; for another, a repetition of the injunctions of the Charter in a second treaty instrument would cast doubt on the obligation existing under the Charter by making it appear incomplete. If, on the other hand, the Committee elaborated a treaty which departed from the language of the Charter, that would only compound the confusion. Even States that were parties to both would be tempted to look for loopholes.

4. In the Soviet draft treaty in document A/AC.193/L.3 there were many curious departures from the Charter. For instance, language such as that in article III of the draft, relating to treaties concluded by States, could hardly fail, at the present time, to raise concern about doctrines of limited sovereignty; it was to be hoped that a reference to treaties between members was not an attempt to use treaties obtained by the crudest forms of duress to enhance those tarnished doctrines. Was it possible that after 10 years some would still suggest that having a similar economic system would legitimize fraternal assistance in the form of

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sending hundreds of thousands of troops to another country without invitation? When one saw provisions such as those contained in article III of the draft, one could not but recognize the dangers involved in departing from the language of the Charter. Another example was the specific mention in article I of the Soviet text of certain types of weapons, that could weaken the all-inclusive nature of the prohibition contained in Article 2, paragraph 4, of the Charter.

5. The woeful inadequacies of the Soviet draft in terms of omissions were immediately apparent when it was compared with either the Declaration on Friendly Relations and Co-operation among States or the Final Act of the Helsinki Conference, which latter stated that no consideration might be invoked to warrant resort to the threat or use of force.

6. With regard to other serious defects in the draft, he said that statements made by Australia and Kuwait in the Sixth Committee were perhaps of particular relevance. The representative of India had done well to warn the Committee of the dangers of drafting a document which would expand the permissible uses of force: the Committee had already heard statements which seemed directed more towards creating exceptions to the prohibition than towards enhancing its effectiveness.

7. A treaty on the non-use of force would, moreover, mark a major legal step backwards for mankind. The failure of the League of Nations and the proven sterility of the Kellogg-Briand Pact had shown that proclamations or treaties on the use of force and the outlawing of war were not in themselves effective. The lesson learned from the Second World War was that the best hope lay in a comprehensive collective security system. In 1945 the prohibition of the threat or use of force had been established as one integral part of an over-all system which also provided for an obligation to settle disputes by peaceful means and a collective security system to deal with situations in which conflict was threatened or had erupted.

8. However, while drafting a treaty was a very bad idea there were other ways to enhance effectiveness of the principle of non-use of force. In the first place, States Members could and must redouble their efforts to live up to their existing obligations and must not obscure those obligations by devising new instruments which would do more harm than good. Rather, they must make the existing language of the Charter an integral part of the national policies of every State.

9. Secondly, there were actions which could be taken to encourage States to abide by the obligations set forth in the Charter. In that connexion it should be noted that the various eruptions of violence that had taken place since 1945 had not been due to any lack of clarity as to the nature or scope of the prohibition of the use of force. For the most part, violence had erupted because a dispute had been left to fester for so long that it finally could not be contained. In other cases, small States might have believed that their existence was threatened and might have lacked sufficient faith in the collective security system in general and the Security Council in particular to stake their existence on them, with the result that they

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had responded to intolerable threats of the use of force by pre-emptive strikes. It was not necessary to justify any such actions as legal in order to recognize that the pressures on States in such circumstances might become irresistible. Since it was likely that there would always be disputes, survival depended on how disputes were handled. Ways must be found to encourage States to honour their obligation under Article 2, paragraph 3, of the Charter to settle disputes peacefully. The international community must be prepared to urge peaceful settlement of disputes and, conversely, to bring the pressure of political opprobrium to bear on States that refused to settle disputes. If disputes were not settled expeditiously by negotiation, the community must press the parties to seek third-party settlement. When States sought third-party settlement they should be praised. When States that had had recourse to third-party settlement honoured the results of that settlement, they should be praised. For instance, his delegation never tired of praising Mexico for its attitude towards United Nations peace-keeping costs, and there were other States which were similarly deserving of praise. But if those which submitted matters to third-party settlement and abided by the results were to be praised, commenting adversely on those which did not do so should also be considered. It was necessary to seek both negative and positive reinforcement of the implementation of the obligation to settle disputes by peaceful means.

10. Since many States in the world were perhaps not yet ready to have vital matters decided by an international court, it was necessary to provide for judicial settlement in as many multilateral and bilateral treaties as possible, and the Committee should consider a general recommendation to that end. In those cases where provision for judicial settlement was not possible, provision should at least be made for arbitration. Learning to settle the less critical issues by third-party methods would build confidence in the system and serve as a basis for eventual routine settlement of all difficult problems by adjudication.

11. Fact-finding was yet another aspect of dispute settlement that should be examined. Perhaps Member States could usefully agree to encourage the Secretary-General to make the fullest use of his fact-finding, reporting and other Charter powers. Perhaps all Members could recognize that the unanimity principle in the Security Council related to recommendations but that no chain of events should ever bar the Council from ascertaining the facts by whatever means it saw fit.

12. There was much that could and must be done in the field of peaceful settlement of disputes. Paragraph 3 of Article 2 of the Charter was far more in need of study than paragraph 4, and ways and means of facilitating its operation must be considered. A further possible step, in addition to those he had already suggested, might be a more probing analysis of some of the modern academic writing on conflict resolution.

13. At the least, it would seem useful to explore ways and means of routinely involving the Security Council in sensitive situations that did not seem to be approaching a solution. Perhaps Members should all take their community responsibilities more to heart and be willing to bring potentially dangerous situations to the Council even if the parties themselves did not do so. In Articles 35 and 99 respectively, the Charter clearly gave all Members and the Secretary-General the right to bring matters to the attention of the Council.

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14. Although the United Nations peace-keeping system had certainly not lived up to the highest hopes of the founding fathers, it must be recognized that the Organization had demonstrated very extensive capacities in the area of peace-keeping by interposition. Since 1973 the situation had improved dramatically with regard to interposition operations but if Members were serious about the non-use of force they must support those operations, not merely by accepting their legally binding financial obligations but also by giving those operations all the political and moral co-operation and support possible.

15. Members must seek to build on the United Nations impressive performance in those areas and consider ways and means of strengthening and institutionalizing its capacity to carry out such operations. They should examine such questions as exchanges of information among participants in past operations, training programmes and the earmarking of troops for United Nations service. In that connexion, they would do well to study the experience and record of the Nordic nations in United Nations peace-keeping and in peace-keeping preparedness.

16. The ground that the Committee was covering in connexion with the question of the non-use of force was substantially the same as that being covered by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Not only was it incredibly inefficient to have two committees working on the same subject-matter, but there was also the very considerable risk of their producing recommendations which would not be in complete harmony. It should be noted, moreover, that many delegations, including his own, were hard put to staff, much less prepare for, the number of meetings held each year. His delegation consequently suggested that some thought should be given to that problem of duplication. One possibility would be to suggest to the Sixth Committee that it should remove peaceful settlement and international peace and security from the agenda of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or at least that it should ask that those questions be treated in the same manner in which that Committee had tacitly agreed to treat Economic and Social Council issues - namely, that consideration of those issues which were being considered elsewhere should be deferred. Alternatively, the Sixth Committee might be informed that the overlap between the two Special Committees was so extensive that the mandate of the Committee on Enhancing the Effectiveness of the Principle of Non-use of Force should be combined with the mandate of the Special Committee on the Charter so that the same issues might be examined in the same place in greater depth and with more coherence.

17. Mr. SY (Senegal) recalled that the question of the conclusion of a world treaty on the non-use of force in international relations had been raised for the first time by the Non-Aligned Movement at its summit conference at Lusaka in September 1970. In proposing the inclusion of that question in the agenda of the thirty-first session of the General Assembly and in submitting a draft treaty, the Soviet Union had taken up the same idea, giving it a more specific form.

18. For both the non-aligned countries and the Soviet Union, the main purpose of a world treaty on the non-use of force in international relations would be to create

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the climate of confidence necessary for achieving progress in disarmament and in the strengthening of international security. However, that would give rise to substantial problems because the raison d'être of the Charter itself was to prevent recourse to force in international relations. The question of the relationship between the Charter and such a treaty was therefore of the utmost importance. Whatever its imperfections, the Charter laid down principles for the establishment of peaceful relations among States and, moreover, enjoyed virtually unanimous support. If the proposed treaty was to have broad support, it would have to aim at remedying the defects and loop-holes that had encouraged violation of the principles of the Charter so that it would not be a mere repetition of the latter.

19. Consideration of that question at the thirty-first and thirty-second sessions of the General Assembly had shown that there was considerable support for the elaboration of a world treaty. Some delegations had stated that a world treaty was not the best instrument for ensuring non-use of force and that a treaty could weaken the authority of the Charter. It would therefore be preferable, in their opinion, to concentrate on specific measures to lessen international tension and promote co-operation.

20. However, for most of the countries of the third world, which had often been victims of the use of force, it was urgent to promote the rule of law in international relations and the scrupulous observance by Member States of their obligations pursuant to the Charter. It was therefore necessary to continue and to perfect the various forms of action undertaken in the past with a view to developing and elaborating on the principles of the Charter.

21. Moreover, the Charter had not been able to put a stop to the use of force in international relations and it had not been very effective in preventing the emergence of new, more subtle forms of the use of force, which used certain principles of the Charter as a front. Some countries had taken advantage of the general character of the prohibition set forth under Article 2, paragraph 4, of the Charter to justify their imperialist, colonialist, neo-colonialist and racist manoeuvres. The Soviet initiative should be encouraged and supported because it aimed at remedying the loop-holes in the Charter.

22. At the thirty-first and thirty-second sessions of the General Assembly, a number of non-aligned countries had raised the following five points with regard to the conclusion of a world treaty on the non-use of force: the notion of force and the use of force should be defined adequately so as to cover, in addition to military force, subversion and economic coercion; the treaty must be accompanied by positive commitments with regard to disarmament, particularly nuclear disarmament; the treaty must explicitly reaffirm the legitimacy of the struggle of peoples against colonialism, imperialism, racism and expansionism; the treaty must include provisions for its implementation; it must have the support of the permanent members of the Security Council, which were also nuclear Powers.

23. His delegation naturally endorsed those points, but it wished to make a few further remarks with regard to the draft treaty contained in document A/AC.193/L.3.

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The draft treaty was based essentially on two principles: non-use of force in international relations and peaceful settlement of disputes. The choice of those two principles was an indication of an incomplete analysis of all the causes of the continuance of the use of force. The draft treaty did not mention certain principles that were closely linked with the principle of non-use of force. Those principles included the following: the duty of States not to intervene in matters within the domestic jurisdiction of any other State, in accordance with the Charter; the principle of equal rights, self-determination of peoples; and the principle that States should fulfil in good faith the obligations assumed by them in accordance with the Charter.

24. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States stipulated that the five points stressed by the non-aligned countries were interrelated; they could not be applied or interpreted separately. The draft treaty should therefore be based on those five principles.

25. Article I of the draft treaty contained a restrictive definition of the use of force, which meant that it totally ignored the disguised forms of the use of force, such as subversion, the use of mercenaries, techniques for destabilizing foreign Governments and economic pressure. Since such forms were by far the most frequent in international relations, ignoring them in such a treaty would be tantamount to sanctioning them.

26. The last paragraph of article I seemed quite positive, since it could form the basis of a prohibition of the use of nuclear weapons, particularly against those States that did not possess them.

27. Article I could be strengthened by the inclusion of the prohibitions set forth in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in relation to the use of force to violate the boundaries of another State, forcible action which deprived peoples of their right to self-determination and freedom and independence, the organization of irregular forces, including mercenaries, for incursion into the territory of another State, the organization of acts of civil strife or terrorist acts in another State, and military occupation of the territory of another State.

28. Moreover, in order to make clearer the relationship of the draft treaty to the Charter, the draft should stipulate that, in the event of a conflict between obligations arising from international agreements and the obligations of Member States under the Charter, the latter should prevail. It should also state that its provisions could not be interpreted as adversely affecting the powers of the Security Council under the Charter.

29. Besides drafting a treaty, the Committee should consider the elaboration of recommendations concerning other specific measures to enhance the effectiveness of the provisions of the Charter. The most perfect mechanism for the peaceful settlement of disputes was doomed to failure if the requisite political will on the

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part of the States concerned was lacking. The principal cause of the failure of existing mechanisms for the peaceful settlement of disputes, in particular those of the Security Council, lay in disagreements between certain Member States.

30. Moreover, the mechanisms for the peaceful settlement of disputes should be based on a strict interpretation of the non-use of force which would rule out indirect or disguised forms of force. A sufficiently detailed, unequivocal treaty on the non-use of force could serve as a guide for the elaboration of such mechanisms. Since the existing mechanisms were based on the concept of disputes resulting from the overt use of armed force, they could not be used to solve such problems as that of mercenaries who attacked other States and were not officially in the service of any State.

31. His delegation hoped that those questions would be thoroughly discussed by the Committee.

32. Mr. KODJOVI (Togo) said that his country's efforts to advance its people along the path of development in harmony with all countries of the world would be in vain unless there was a favourable international climate. Believing international peace and security to be prerequisites for the progress of the peoples, it firmly supported the lofty principles set forth in the Charter of the United Nations, the scrupulous implementation of which by all countries could preserve that peace and security, as well as promoting the establishment of friendly relations and fruitful co-operation among nations, in a spirit of tolerance, mutual respect and good-neighbourliness.

33. The legitimate aspirations of the peoples to solidarity, fraternity and self-fulfilment had been fully recognized in the Covenant of the League of Nations, the Charter of the United Nations, and numerous declarations and bilateral or regional treaties. The human race had long been aware that its very survival demanded that every effort be made to avoid tension and war; that awareness had been heightened by the proliferation of weapons of mass destruction. The injustice, acts of intimidation, violence and destabilization attempts of which small defenceless countries were the victims were in flagrant opposition to those texts and to the peoples' aspirations.

34. The timeliness and importance of the Soviet initiative should be viewed in that context, which should also determine the direction of the Committee's work if it was to achieve the success so ardently desired. Whatever criticisms might be levelled at the draft treaty contained in document A/AC.193/L.3, it was only right to pay tribute to the Soviet initiative which had led to the establishment of the Committee and to renewed efforts by the international community to find appropriate

means of enhancing the effectiveness of the principle of the non-use of force in international relations.

35. However, in addition to the Soviet draft, the Committee also had to consider any proposals and suggestions which might be made by States. An appeal should be launched to Member States to submit a wide range of specific proposals as a necessary basis for the Committee's work. Care should be taken to avoid the negative approach according to which any new text would be useless, and even dangerous, in view of the profusion of existing instruments. Principles such as the prohibition of the use of force, the peaceful settlement of disputes, non-intervention, international co-operation, the equal rights of peoples, the right of peoples to self-determination and the sovereign equality of States had certainly been established, but the adequacy of the texts in which they were embodied might be more apparent than real. In certain cases the same texts simultaneously included provisions reaffirming doctrines which led to preparation for war. The stockpiling of increasingly sophisticated and deadly weapons likewise made respect for such texts practically impossible. For example, those Powers which had the right of veto could prevent the Security Council from stopping aggression when it was launched by one of them or by a country which one of them had decided to support. The concept of vital interests served as a pretext for totally unjustifiable acts of aggression. The interest of the proposals submitted for the Committee's consideration would lie in the extent to which they improved existing texts and conformed with the goal of finding appropriate ways effectively to guarantee peace and security for all. The proposals should be such as to enable further and more rapid progress with respect to the jus ad bellum, which had developed considerably in the past few decades.

36. New efforts would be needed to give those principles full meaning and increased effectiveness so that the differences of interpretation and implementation stemming from the contradictions of international relations would cease. The Committee should bear in mind that it was not enough to outlaw war in order to prevent it or to try to avert it by the guarantee of collective intervention or the threat of vigorous sanctions. Experience had shown that pressures were ineffective against certain great Powers. If the evil of war was to be uprooted, appropriate procedures would have to be found for the peaceful settlement of the disputes which gave rise to it. That was why there was a need, first and foremost, to overhaul the existing machinery and to put the judicial and political means for the peaceful settlement of disputes into general use. The experience of the Organization of African Unity had been fruitful in that respect. The Committee's efforts should be aimed primarily in that direction.

(Mr. Kodjovi, Togo)

37. Currently, overt or insidious force was being used on many fronts, with grave consequences for the interests of the peoples and the sovereignty of States. For that reason, many were of the opinion that the Committee should concern itself with a wide range of problems, including, for instance, the obstacles standing in the way of the exercise of the legitimate right of peoples to self-determination, the havoc wrought by ideological, cultural and economic imperialism throughout the world, arms production and trade, the over-arming of the planet, and the lack of progress on disarmament. Such a broad concept of the Committee's role was not without interest, but others believed that attempts to be all-embracing should be avoided and that limits should be set to the Committee's task so that it could accomplish its mission effectively in the interest of the peoples.

38. Mr. PINIES (Spain) said that the Committee was at the half-way stage between the idea of prohibiting the use of force in international relations and the establishment of means of giving it effect. Despite the large number of international instruments, including the Charter of the United Nations itself, in which the principle was embodied, wars of attrition, armed aggression and invasions had not come to an end. The Committee must not allow its deliberations to be limited to ineffective rhetoric for mere propaganda purposes. Its task should be to lay the foundation of a system that would be binding, in the strictest legal sense of the word, and which would bring about the total elimination of the use or the threat of force in international relations.

39. His Government could not but welcome any international agreement leading to arms reduction and control, the establishment of zones of peace and denuclearized zones, détente and security, international peace, and freedom for the peoples. It therefore especially welcomed the idea of a treaty which would place minimum binding and effective restrictions on the use of force or the threat of force in international relations. It was essential not to forget the three aspects that had been mentioned at the outset: enunciation of the idea, legal drafting, and effective implementation and control. The Committee had reached the second stage, where it was essential to bear in mind the machinery of checks and balances which could lead to genuine implementation of any instrument which Governments might sign as a result of the Committee's work.

40. In dealing with that important issue on a global basis his delegation believed that the concept of security, both collective and regional, should not be neglected, given the very special geo-strategic features of the modern world.

41. With regard to the draft world treaty contained in document A/AC.193/L.3, his delegation believed that the concept of refraining from the threat of force should appear in the title, because both the use and the threat of force were linked to the problem of peace. The title should therefore read "Draft World Treaty on the Non-Use of Force or the Threat of Force in International Relations".

42. His delegation would also favour compressing the first three preambular paragraphs into a single paragraph and shortening the next four preambular paragraphs so that they would refer basically only to the most important

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agreements or resolutions, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the Definition of Aggression and the Final Act of the Conference on Security and Co-operation in Europe.

43. Article I seemed to refer to certain prior undertakings rather than to any new undertakings. It would be more logical to replace the words "shall strictly abide by their undertaking" in the first line by the words "shall undertake". Furthermore, it must be made clear in the second part of that sentence whether the words "their international relations" referred to relations between the High Contracting Parties themselves or their relations with other States.

44. With regard to article II, his delegation wondered whether, rather than repeating the wording of the Charter, it might not be preferable to establish new international norms governing the obligations of States with regard to international disputes. If all that was done was to reaffirm the system established by Articles 33 to 38 of the Charter, a unique opportunity would be missed to make a positive contribution to the codification and progressive development of international law.

45. Article III should make reference to the concepts of self-defence and recourse to force as authorized by the United Nations under Article 51 of the Charter. Article IV, with its appeal for general and complete disarmament, should, in the opinion of his delegation, form part of the preamble, thereby highlighting the desire of the Contracting Parties to abandon the arms race and increasingly to resort to the peaceful solution of international disputes.

46. In conclusion, he stressed that the Committee should be guided above all by the idea that the final result must win the general approbation of the various groups if it was to bear fruit and become a binding set of guidelines for Governments and an effective step on the long road to genuine universal détente.

47. Mr. BENNOUNA (Morocco) said that his delegation could not fail to support any initiative aimed at enhancing the effectiveness of the principle of non-use of force in international relations. In participating in the work of the Committee, his country had no ulterior political motive or selfish interests to defend. It sincerely believed, as a non-aligned and developing country, that peace among nations promoted the prosperity and well-being of all.

48. It was the Committee's task to explore means of making the general prohibition of the use of force by States, as set forth in Article 2, paragraph 4, of the United Nations Charter, more effective. As other speakers had said, there could be no question of relaxing what was a binding rule of international law or of merely reiterating existing obligations. However, the Charter had not been able to disregard two basic facts of the modern world, namely the need for a system of collective security to avoid world-wide conflagrations and the existence of national entities desirous of preserving their sovereignty and territorial integrity. In Chapter VII of the Charter the Security Council had been given the responsibility for taking action with respect to threats to the peace, breaches

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of the peace and acts of aggression, and the inherent right of individual or collective self-defence if an armed attack occurred against a Member of the United Nations had been recognized.

49. It would be difficult to draw up a new international instrument on the non-use of force without taking into account the work of the Special Committee on the Definition of Aggression and particularly article 3, subparagraph (g), of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX).

50. It was no longer possible to condemn in words the use of force in international relations while undertaking subversive actions designed to destabilize whole regions and to set up hegemonic systems. His country would continue to oppose such practices, whatever the ideologies which inspired them. It was essential that a new international instrument on the non-use of force should contain a clear denunciation of direct or indirect outside intervention against the political independence or territorial integrity of States. The peoples of the third world had suffered as a result of proxy wars and for that reason they would henceforth demand the right to play a full role in international relations rather than remaining mere pawns on the chessboard of the great Powers.

51. National realities inevitably led to disputes among States. If they were not to degenerate into armed conflict it was necessary not only to develop the rule of non-use of force and to strengthen the institutions responsible for implementing it, but also to strive for the widest possible acceptance of peaceful means of settling disputes. His country strongly supported procedures for the peaceful settlement of disputes, such as those set forth in Article 33 of the Charter, and had taken care to have recourse to international negotiation whenever it had had political or legal disputes with other States.

52. Like the prohibition of the use of force, the obligation to settle disputes peacefully was binding upon all States; there could be no derogation from that principle. That view had been reaffirmed recently by the International Court of Justice in the judgement it had given on 11 September 1976 with regard to the continental shelf of the Aegean Sea.

53. Any new international instrument on non-use of force should stress the strengthening of three essential aspects of the issue: the general prohibition on the use of force in all its forms, the world-wide and regional international institutions which implemented it, and peaceful means of settling disputes.

54. Mr. MIRCEA (Romania) said that his country's constant concern for the observance of the principles of international law was reflected in the activities of President Nicolae Ceaușescu aimed at ensuring respect for the fundamental principles of inter-State relations and formulating new norms which would further clarify those principles and thereby contribute to an improvement in international relations. In a recent survey of the international situation, the President of Romania had drawn attention to the danger of the tendency to resort to force or other means in order to secure domination over other States. He had also

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referred to the increasing significance of a new policy of co-operation among States and had stressed that progressive forces must strive to ensure that that policy prevailed on a world scale. He had declared that Romania, for its part, would spare no effort in seeking the adoption of truly equitable policies in international life.

55. His delegation considered that world peace and the exercise by each people of the right freely to choose the paths of its economic and social development were directly dependent on the degree to which the principle of the non-use of force was respected. The obligations assumed by Member States by virtue of Article 2, paragraph 4, of the Charter to refrain in their international relations from the threat or use of force had been clarified and developed in a number of basic United Nations documents, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Definition of Aggression. The principles of the non-use of force and the peaceful settlement of disputes had also been developed in a number of regional instruments, including the Final Act of the Conference on Security and Co-operation in Europe.

56. In the light of those developments, the Committee's task was clear. In his delegation's view, the Committee should draw up a comprehensive international instrument based on the principle of the non-use of force, with a view to the abolition of force in international relations. The Committee should, in keeping with its mandate, also contribute to the strengthening of the principle of the peaceful settlement of disputes and of United Nations machinery geared to the achievement of that objective. Romania had already proposed the elaboration within the United Nations of a treaty concerning the peaceful settlement of disputes and the adoption of a universal code of conduct setting forth the fundamental rights and duties of States.

57. The conclusion of a world treaty on the non-use of force in international relations, as proposed by the Soviet Union in document A/AC.193/L.3, would be of paramount importance for the genuine security of all nations and would make a valuable contribution to the establishment of a new international order. Romania therefore firmly supported the idea of preparing, as soon as possible and with the participation of all States, a single document of universal validity, establishing the obligations of States to refrain in their mutual relations from the threat or use of force in any circumstances and under any pretext. Since the United Nations offered the most appropriate organizational framework for considering the problems of peace and security with the participation of all States, it was the forum in which such a treaty should be drawn up.

58. The proposed treaty should be broad in scope, encompassing prohibition of the use of armed force and other forms of force and pressure in international relations, such as economic and political pressure and war propaganda, and the obligation to resort to the peaceful settlement of disputes. It should also include the new elements arrived at within the United Nations and at the Conference on Security and Co-operation in Europe concerning the detailed definition of the obligation

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of States to refrain from the threat or use of force. Emphasis should also be placed on the territorial aspects of the non-use of force or the threat of force, such as prohibition of the occupation of territory and other acts directed against the unity and territorial integrity of States, and prohibition of the deployment of the armed forces of a State against the territory of another State. The treaty should contain the express obligation of nuclear-weapon States to refrain from using nuclear weapons or threatening to use them against non-nuclear-weapon States and not to be the first to use such weapons. It should also provide expressly for the right of each State to defend itself against armed attack and for the right of peoples to wage a struggle, including armed struggle, for their liberation from colonial domination.

59. In order to ensure the effectiveness of the obligations assumed by States parties, the proposed treaty should incorporate the obligation of all States to adopt effective measures for disarmament and to reduce the danger of a confrontation between them, in view of the close link between the principle of the non-use of force and the achievement of general and complete disarmament.

60. His delegation emphasized the need for the peaceful settlement of disputes through political negotiations. The non-use of force in settling international disputes favoured a constructive approach to pending problems with a view to extinguishing hot-beds of conflict and averting the emergence of new sources of tension and conflict, in order to ensure that inter-State relations were based on mutual understanding, respect and co-operation.

61. Romania had also proposed the establishment of a commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation with a view to averting tension and armed conflicts and assisting States to find solutions based on mutual comprehension, good neighbourliness and peaceful coexistence.

62. His delegation was convinced that the process of drawing up the proposed world treaty would provide an opportunity for the development of the principle of the non-use of force or the threat of force, taking into account the progressive development of international law, the need to maintain peace and security and the existing situation with regard to relations among States.

63. His delegation would contribute to the best of its ability to the preparation and negotiation of a treaty on the non-use of force and threat of force. Its conclusion would mark an important stage in efforts to abolish the policy of force, domination and diktat and to build a better and more just world. Such a treaty would have a considerable preventive effect, constituting a legal instrument for discouraging and disarming the aggressor, who would not be able to invoke any argument to justify the threat or use of force.

ORGANIZATION OF WORK

64. The CHAIRMAN said he hoped that, in view of the limited time remaining before the end of the session, the Committee would be able on the following day to consider its future work and take a decision on the Bureau's suggestion to request the Secretariat to prepare an analytical table of references made in the General Assembly and in the Committee itself to individual articles of the draft treaty proposed by the Soviet Union (A/AC.193/L.3).

65. Mr. ROSENSTOCK (United States of America) expressed the view that any ideas as to the Committee's future work would necessarily be extremely tentative: it would be presumptuous of the Committee to take decisions on its future work until it had heard all statements in the general debate, for those statements might present further ideas and suggestions.

66. Mr. KOLESNIK (Union of Soviet Socialist Republics) observed that there was already an abundance of material on the basis of which the Committee could undertake more tangible work without interfering with the course of the general debate. Consequently, he fully agreed that the Committee should as soon as possible give some thought to the next stage of its work and to the need for an early decision concerning the preparation of the analytical table suggested by the Bureau. Such a table should contain not only the views and proposals put forward by delegations in the Committee but also those submitted in writing to the Secretary-General and by delegations to the thirty-first and thirty-second sessions of the General Assembly. The table would be useful to each delegation, regardless of its particular views on the Soviet draft treaty.

67. Ms. d'HAUSSY (France) said she thought it would be premature to take a decision on the Committee's future work before all delegations wishing to speak in the general debate, including her own, had had the opportunity to do so.

68. Mr. ROSENSTOCK (United States of America) said that his delegation had doubts as to whether the proposed analytical table would be appropriate, whether it would be fair to burden the Secretariat with such a task and whether the document could be properly prepared at the current stage. Noting that the Committee's work was closely paralleled by the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, he recalled the suggestion put forward in the latter body to the effect that the Secretariat should prepare a table containing the comments or suggestions of delegations concerning individual articles of the Charter. The highly subjective nature of that suggestion and its political sensitivity had led that Committee to decide that the Secretariat should be requested to produce a simpler compilation of the views expressed. If that was the task which the Bureau now had in mind, the Committee should await the draft report, in which the Rapporteur would summarize the views of delegations. The Committee had not reached the stage where it could regard any text, other than the Charter, as the basis for a comparative table, and it would be quite premature to request the Secretariat to prepare such a table.

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69. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that he was rather surprised at the comments made by the United States representative, especially his reference to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. It was well known that that Committee had had before it from the outset an analytical study prepared by the Secretariat, with addenda containing specific proposals.

70. What was now involved was not a delicate political question but simply the question of the kind of compilation which should be made of the various proposals put forward. The table had been proposed without any hidden designs and merely in order to assist the Committee in its work. There was no reason to await the end of the general debate before preparing such a document.

71. Mr. MOUNGAVOU (Benin) agreed that there was no reason why the Secretariat should not be requested to prepare such a table, which would be very useful to delegations. In his view, there was no question of the preparation of such a document being a subjective or politically sensitive task.

72. The CHAIRMAN said that the matter would be discussed on the following day, by which time the Committee would have a clearer idea as to when the general debate might end.

The meeting rose at 1 p.m.